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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,835	04/08/2004	Bruce McIlvaine	M1219.004	8508
26689	7590	12/19/2005	EXAMINER	
WILDMAN HARROLD ALLEN & DIXON 225 WEST WACKER DRIVE, SUITE 2800 CHICAGO, IL 60606			SLACK, NAKO N	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/820,835	MCILVAINE, BRUCE	
	Examiner	Art Unit	
	Naoko Slack	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of applicant's remarks to the first action on the merits presented by former Examiner Green, a new examination follows.

Abstract

The abstract of the disclosure is objected to because the abstract is too long. The abstract must be 150 words or 15 lines in length to accommodate patent printing limitations. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-8, 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,931,811 to Thiers in view of US Patent 6,493,472 to Takagi et al.

Claims 1, 2, 4-8, 10-14:

Theirs discloses a method of creating a laminate floor comprising the steps of acquiring a decorative image (column 2, line 34), securing the decorative image to a sheet of base material by lamination (column 4, lines 16-21), dividing the sheet of base material with the printed digital layout secured thereon into a plurality of flooring planks

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(column 6, lines 47-51), thus segmenting the digital image into a plurality of sections wherein each section is sized to fit on a plank, machining a tongue and groove into each floor plank (column 6, lines 50-52), and assembling the plurality of flooring planks in a predetermined order and alignment to reproduce the decorative image on the laminate floor (column 2, lines 17).

While Thiers discloses that the decorative layer comprises an image of a wood pattern and discloses the use of image-processing technology, Thiers does not specify scanning and printing the image. However, acquiring an image via scanning, editing the image, and printing the image is very well known. For example, Takagi et al. discloses a method of scanning, editing, sizing, and printing an image. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to scan, edit, size and print Thiers decorative layer, as Thiers is concerned with producing a realistic pattern on the floor panels (column 2, lines 10-18).

Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,931,811 to Thiers in view of US Patent 6,493,472 to Takagi et al. as applied to claims 1 and 7 above, and further in view of US Patent 4,586,714 to Lenkoff et al.

Claims 3 and 9:

While Thiers does not disclose that creating the decorative layer comprises the steps of arranging a plurality of decorative sections to fit onto the sheet of base material with predetermined spaces between each section, the placement of decorative sections

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onto a base material prior to cutting the base material is well known. Lenkoff et al. discloses a method of creating a decorating layer on a base by severing a picture into segments and mounting the segments onto a base in spaced relationship to accommodate manufacturing severing tolerances (Summary of invention, columns 1-2). In view of Lenkoff et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to press Thiers' decorative layer in segments to accommodate severing tolerances when the panel is cut into boards and formed with tongue and grooves.

Prior Art

The following references are considered relevant prior art:

US Patent 6,446,413 to Gruber discloses a floor with a graphic laminate, and

US Patent 5,271,200 to Witt discloses a floor with a graphic display.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose current telephone number is 571-272-6848. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naoko Slack
Primary Examiner
Art Unit 3635

NS
December 6, 2005